

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

CHOW, Mina, et al.

Serial No.: 10/676,616

Filed: 30 September 2003

For: DEFLECTABLE CATHETER
ASSEMBLY AND METHOD OF
MAKING SAME

Group Art Unit: 3767

Examiner: Gray, Phillip A.

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL APPEAL BRIEF

Dear Sir:

On 7 February 2008 a Notification of Non-Complaint Appeal Brief was mailed. In the notice it was stated that the Status of Claims section "should only provide a statement of the status of all claims filed in the application, and must explicitly identify the appealed claims." It was also stated that appellants need only submit the defective section of the brief.

Thus, in response to the Notification of Non-Complaint Appeal Brief, appellants submit the following:

STATUS OF CLAIMS

All claims

The current status of all claims is as follows:

Claims 1-28, 115-122 and 127, 128, 132 and 133 are original claims.

Claims 29-114, 123-126, 129-131 and 134-137 were withdrawn by the examiner.

Claims 117, 118 and 133, which the examiner placed in Group I as depending from claim 1, in fact depend from claim 29, which is in examiner's Group II. For the purposes of this appeal, appellants therefore consider claims 117, 118 and 133 to also be withdrawn, although not formally so, since they otherwise make no sense within the context of the claim set as a whole.

Claims 119 and 120, which the examiner also placed in group I as depending from claim 1, in fact depend from claim 57, which is in examiner's Group III. For the purposes of this appeal, appellants therefore consider claims 119 and 120 to also be withdrawn, although not formally so, since they otherwise make no sense within the context of the claim set as a whole.

Claims 121 and 122, which the examiner likewise placed in Group I, in fact depend from claim 62, which is also in examiner's Group III. Again, for the purposes of this appeal, appellants also consider claims 121 and 122 withdrawn, although not formally so, since they, too, otherwise make no sense within the context of the claim set as a whole.

Finally, claims 127 and 128, which the examiner placed in Group I, in fact depend from claim 96, which is in examiner's Group VIII. For the purposes of this appeal, appellants therefore likewise consider claims 127 and 128 withdrawn, although not formally so, since they, like those above, otherwise make no sense within the context of the claim set as a whole.

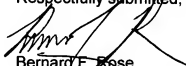
Claims on appeal

In view of the above, the claims properly on appeal are claims 1-28, 115, 116 and 132.

Date: 12 February 2008

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Respectfully submitted,



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